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SEP 13 2006

Application No. 10/500,947
Amendment September 13, 2006
Reply to Final Rejection of June 13, 2006

PATENT

Amendments to the Drawings:

Figures 3 and 4 have been amended by changing reference numerals 15 and 16 to 16 and 20, respectively, to conform the drawings to the text. No new matter has been added. Attached hereto are copies of Figs. 3 and 4, which include these changes. It is requested that the attached drawings be substituted for the drawings that were originally filed.

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PATENT**REMARKS/ARGUMENTS**

Applicants note with appreciation that claims 6-9 are considered to be directed to allowable subject matter.

Claim 1 has been amended by explicitly reciting that the compressible adhesive is "in contact with the impression layer and the steel back" to make clear that the compressive layer, and not other layers or laminates, secures the impression layer to the steel back as is taught in paragraph 0023 of the Substitute Specification and as is disclosed in Figs. 3 and 4 of this application as originally filed.

As previously discussed, the present invention is an improvement over prior art die plates for stamping machines, such as disclosed in applicants' earlier patent 5,904,096 (which is the primary reference against the pending claims), in that it secures the metal impression layer 21, 24 to the plate steel back 20 with a compressible adhesive.

Die plates for foil stamping machines are typically rigid. However, the process of stamping requires some compressibility to ensure that a quality image is applied to the substrate. This usually takes the form of the packing behind the substrate. Further material is added behind the packing to correct low points in the die plate. Such material is usually added by glue or tape, and when the die plate is being replaced or repositioned, a flammable solvent must be used to remove the glue.

The present invention eliminates the need to add or insert material behind the packing to "make up" low spots while also ameliorating a crushing and/or distortion of the substrate by the stamping machine. The advances of the present application provide substantial time and cost benefits over existing machines, eliminate the use of flammable solvents when changing or repositioning the die plates, and provide new security and anti-counterfeiting applications. These are important advances over the prior art and solve significant problems that currently exist in the art.

Claims 1, 2, 4 and 5 were rejected for obviousness over Fawcett (5,904,096) in view of GB patent 1,533,431 (GB '431).

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Fawcett was viewed as disclosing the present invention except that it "does not explicitly disclose a compressible adhesive layer that secures an image layer to a steel back". GB '431 was viewed as teaching to provide a compressible adhesive layer because it "teaches a letter press with a compressible mounting material adhesive layer for securing the metal impression layer to the steel back".

Claim 1 (as well as dependent claims 2, 4 and 5) was therefore viewed as being obvious because GB '431 "teaches that it is advantageous to have a compressible surface in order to compensate for adjustments between the plate surface and the paper to thereby produce a sharp clean image without distortions".

The present invention is not for a die plate with a "compressible surface" but to the manner in which the image layer is secured to the steel back in a simple, effective and cost-saving manner.

The final rejection responded to applicant's previous arguments that claim 1 is not obvious over Fawcett in view of GB '431 by arguing that the adhesive layers of GB '431 "stretch and are elastic" and, therefore, "the layers" can reasonably be interpreted as a compressible adhesive. This observation is not a reasonable interpretation of GB '431 and amounts to reading into GB '431 a characteristic that is not present.

Claim 1, as previously worded, recited "a compressible adhesive securing the impression layer to the steel back". According to claim 1 it is the adhesive that is to be compressible, and not a cushion, namely GB '431's compressive elastomeric layer 11, coupled to a reinforcing layer 12, that is sandwiched between respective pressure-sensitive, but not compressible adhesive layers 14, 15. Applicant submits that the sandwiched structure placed in GB '431 between the print cylinder 21 and the printing plate 22 is not a compressible adhesive which alone provides the desired compressibility of the impression layer relative to the steel back. Claim 1, even as previously worded, is not obvious over Fawcett in view of GB '431.

Nevertheless, applicant further amended and clarified claim 1 by reciting that the compressible adhesive is "in contact with the impression layer and the steel back" and thereby

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secures "the impression layer to the steel back." Without question, GB '431 does not teach or in any manner suggest to provide a compressible adhesive between the impression layer and the steel back which must be in contact with both, thereby eliminating any possibility that other materials, such as GB '431's compressive elastomeric layer 11, are further provided between the impression layer and the steel back.

As previously pointed out, GB '431 relates to a printing process while Fawcett relates to a plate for a stamping machine. The two references are therefore directed to technologies and activities that are remote from each other. This alone discourages one of ordinary skill in the art from attempting to combine Fawcett with GB '431 to somehow come up with an improved compressible adhesion of the impression layer to the steel back.

However, even if Fawcett is combined with GB '431, the two references fail to teach or suggest to one of ordinary skill the arrangement of claim 1. GB '431 specifically directs the person of ordinary skill in the art to use a "compressible layer 11" together with two adhesive layers 14 and 15 as is discussed on page 2, column 2, lines 53-57 of GB '431. It is not the adhesive in GB '431 that provides the compressibility, but the separate and additional compressive elastomeric layer 11 together with two adhesive layers 14 and 15 that are attached to the compressible layer and are not compressible. As a result, each of the adhesive layers 14, 15 of GB '431 is not and cannot be in contact with the impression layer and the supporting roller 21. GB '431, alone or in combination with Fawcett, therefore fails to disclose or in any form suggest a compressible adhesive in contact with the impression layer and the steel back to secure the impression layer to the steel back as required by claim 1.

Thus, claim 1 is not obvious over Fawcett in view of GB '431 because one of ordinary skill in the art would not combine these two references for the reasons stated above.

Moreover, even if such a combination were attempted, claim 1 would not be obvious over the two references because neither of them teaches or in any manner suggests to place only the adhesive between the impression layer and the steel back so that the adhesive is in contact with the impression layer and the steel back.

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Dependent claims 2-13 are directed to independently patentable subject matter, as was already acknowledged by the indicated allowability of claims 6-9, and further because these claims depend from claim 1 and therefore incorporate by reference the features which distinguish claim 1 over the prior art. In this context, it is pointed out that dependent claim 13 recites that the adhesive layer only is disposed between the metal impression layer and the steel back, another feature clearly not disclosed or suggested in the prior art references.

In the Final Rejection, claim 13 was rejected for obviousness over Fawcett in view of GB'431 and Wouch (EP '677) Because Wouch teaches "using an adhesive only to secure a base layer to a steel plate" (column 4, lines 34-36). It was therefore considered obvious to modify Fawcett and EP '431 to "include an adhesive between the layers as taught by Wouch since Wouch teaches that [it] is advantageous to effectively secure layers thereby preventing slippage."

In reciting that the compressible adhesive only is disposed between the impression layer and the steel back, claim 1 does not claim, address or otherwise suggest to provide an adhesive layer to secure the base layer to a steel plate to prevent slippage as was asserted in the Office Action. Quite to the contrary, claim 13 depends from claim 1 and expressly recites that the compressible adhesive only is disposed between the rubber layer 23 and the magnetic carrier plate 15. There is no hint in EP '677 (or for that matter in Fawcett and/or GB '431) that a compressible adhesive only is between the rubber layer and the magnetic plate. EP '677 illustrates in Fig. 3 a multilayer laminate consisting of a foam layer 25, an intermediate layer including two spaced-apart woven reinforcing materials, and rubber layer 23 (which defines printing surface 22). In fact, to be operative, EP '677 states that such "composite structure is necessary to provide additional strength" (column 3, lines 52-53). Such strength could not be provided by a layer of compressible adhesive only as required by claim 13.

EP '677 further teaches that the three layers "are bonded together in the manufacture of the blanket sheet" (column 4, lines 10-12) and, finally, that the "base layer 25 of the blanket is adhesively secured to the surface of the steel plate at the interface 28 (shown in

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Fig. 4). In relation to the present invention, the magnetic carrier plate 15 of EP '677 is the counterpart to the steel back 20 of the present invention, and the adhesive layer at interface 28 of EP '677 is the counterpart to the adhesive layer between the compression layer and the steel back of the present invention. EP '677 specifically states that "structural epoxy" is satisfactory (column 3, lines 35-36). Structural resin is not a compressible adhesive as required by claim 13 and its parent claim 1. To the contrary, such an epoxy is a non-compressible material. There is therefore no suggestion in EP '677 that the adhesive layer 28 is or should be compressible adhesive.

Thus, EP '677 does not provide what is missing from Fawcett and GB '431, namely teaching one of ordinary skill in the art to use a compressible adhesive only between the impression layer and the steel back as required by claim 13.


Claim 13 is therefore not obvious over Fawcett in view of GB '431 and Wouch.

CONCLUSION

Accordingly, applicants submit that all pending claims 1-13 are unobvious and allowable and request a formal notification thereof at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,


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